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CONCLUSIONS AND RECOMMENDATIONS OF THE SPECIAL COMMITTEE AGAINST APARTHEID TO THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION

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CONCLUSIONS AND RECOMMENDATIONS

The process of creating a negotiating framework towards the end of apartheid reached a new stage in South Africa in the recent period. Despite temporary setbacks and delays and even despite the persistent political violence, which the South African authorities have proven to be unable or unwilling to curb, the convening of a meeting of all parties appears to be imminent. With the exception of the conservative leadership within the White minority, virtually all the political leaders of the South African people agree on the need to commence broad-based substantive negotiations on the constitutional future of their country under the aegis of an independent convenor enjoying the confidence of all concerned parties.

A common position elaborated by the major anti-apartheid forces at the conference of the Patriotic/United Front, which has established a clearer framework for the enhancement of the process, has the following objectives: agreement on fundamental principles of a new constitution - based on those envisaged in the 1989 United Nations Declaration on Apartheid; on the establishment of an interim government/transitional authority; and on the drawing up of a new constitution by a democratically elected constituent assembly.

When agreements on the issues above are concluded, the claim that changes in South Africa are becoming profound would certainly acquire more credibility. Indeed, apartheid will be considered dead only after the attainment of the following strategic objectives: the establishment of transitional arrangements, the adoption of a new constitution, and the installation of a new government after free and fair elections based on the new constitution.

The process towards this objective may, however, in the words of the Secretary-General, be lengthy and vulnerable. The repeal of major apartheid laws has of course been a positive step, but the wave of violence and the threat presented by extremist right-wing groups and others, exacerbated by their collaboration with elements of the security forces and other paramilitary groups, present serious obstacles and dangers. The apparent objective of the authorities to give political veto powers to the National Party and full economic control to the White establishment has already provoked serious objections and would continue to cause complications. Although there is growing convergence on some basic constitutional principles outlined in the United Nations Declaration, serious disagreements persist on the transitional arrangements and on the appropriate mechanism to draft the new constitution. Finally, the grave socio-economic inequalities, unless addressed on an urgent basis, can undermine the stability required for the negotiations.

It is, therefore, the firm view of the Special Committee that the international community should intensify the monitoring of developments in South Africa and identify all dangers that can disrupt the ongoing process of the democratic transformation of the country. Member States, organizations and the world public should keep in mind that the process under way in South Africa does not comprise negotiations among equals toward the settlement of a problem. It is, in effect, the effort to fulfil the aspirations of the South

African people and implement the long-standing decisions of the international community through negotiations. These negotiations are to be held between those who uphold the position and the wish of the international community, namely, the anti-apartheid forces, and those whose origin lies with the architects and beneficiaries of an odious system that has been universally condemned.

In this light, it is evident that the international community should continue to exert pressure on the latter party and provide assistance to the former. The exact nature of the pressure should be concomitant with the developments in the country as collectively perceived. The random lifting of sanctions is premature and counterproductive. It deprives the international community of its leverage and ability to promote the process.

The establishment of an agreed-upon transitional arrangement, the drawing up of a new constitution and finally the installation of a non-racial democratic government that would emerge from fair and free elections constitute major landmarks that can be viewed as a basis for consideration of adjustment in the nature and content of international pressure. Of course, the representatives of the transitional government or authority could advise the international community further on the specific measures that have to be maintained at any given stage.

In the meantime, it is considered productive to resume certain academic and cultural contacts with the democratic organizations of South Africa. Sports contacts with integrated sports disciplines may be also resumed if the appropriate non-racial sports organizations consider such contacts useful. At the same time, the arms embargo should be strictly enforced and the restrictions of the supply and shipping of oil, of high technology and of other products, which enhance the military and nuclear capability of South Africa, should be maintained until the adoption of a non-racial, non-sexist, democratic constitution.

On the other hand, assistance to democratic forces should increase, particularly in order to enhance their strength and capabilities during the negotiating process. The international community should also help in the reintegration of returning political refugees and exiles and the released political prisoners, as well as in preparing programmes aimed at contributing to the redress of serious socio-economic inequalities, particularly in the areas of education, training, health and housing.

It is essential that pressure on the regime and assistance to the disadvantaged people of South Africa be concerted and effective. The high degree of contradiction, uncertainty and even unpredictability, which remain as distinctive features of this phase of transition in South Africa, require a heightened degree of consensus of the international community.

Thus, the Special Committee against Apartheid, which at the international level is the focal point on the issues of apartheid and South Africa, intends to exert every effort to preserve and strengthen the international consensus on the subject. This consensus has been

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a significant factor in the success of the current political process and its desired outcome. At the same time, the efforts of the Secretary-General to promote the process should be strengthened and the Centre against Apartheid should assist him in forging a concerted approach towards South Africa by all offices and agencies of the United Nations system.

The main task of the Special Committee and the Centre against Apartheid at this stage is to encourage through all available means the ongoing process of broad-based negotiations on the establishment of a non-racial multi-party democracy in South Africa and to assist in keeping the negotiations on track.

In its programme of work for 1992, therefore, the Special Committee will be guided by a two-track approach, namely, pressure and assistance. Through missions, reports, hearings, seminars and conferences, the Committee will place emphasis on the need for close monitoring of developments in South Africa and for concerted pressure on the authorities and increased assistance to the anti-apartheid forces and the disadvantaged sectors of the society. Issues such as constitution building, human rights, domestic peace, education and training and ways to help address the serious socio-economic inequalities in the country will receive special attention.

In view of the above, the Special Committee recommends to the General Assembly that it should:

(a) Reaffirm the principles, guidelines and programme of action contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by consensus on 14 December 1989 at the sixteenth special session of the General Assembly, and resolution 45/176 A of 19 December 1990, and decision 45/457 B of 13 September 1991;

(b) Reaffirm its support for the legitimate struggle of the South African people for the eradication of apartheid through peaceful means and the establishment of a united, non-racial and democratic society in South Africa in which all its people, irrespective of race, colour, sex or creed, will enjoy the same fundamental freedoms and human rights;

(c) Note the positive measures introduced thus far by the South African authorities, including the repeal and amendment of major apartheid laws;

(d) Call upon the South African authorities to establish the necessary climate for free political activity, in particular by ensuring the immediate release of all remaining political prisoners, as well as the unhindered return of exiles, by repealing repressive legislation still in place and by addressing the glaring inequalities created by apartheid laws;

(e) Express its grave concern that the persistence of violence, a legacy of the apartheid system, perpetrated by those opposed to the democratic transformation of the

country, poses a threat to the negotiating process and is thus detrimental to the vital interests of all the people of South Africa;

(f) Call for an immediate end to violence and urge the South African regime to take immediate action to address the recurring violence by ensuring that all competent authorities act effectively and impartially against all those responsible for violence and acts of terrorism, particularly extremist groups and others opposed to the democratic transformation of the country;

(g) Welcome the recent signing of the National Peace Accord, call on all its signatories to manifest their commitment to peace by fully implementing its provisions and call upon all other parties to contribute to the attainment of its objectives;

(h) Welcome the efforts of all parties, including ongoing talks among them, aimed at facilitating the commencement of substantive broad-based negotiations towards a new constitution and arrangements on the transition to a democratic order;

(i) Call upon the representatives of the people of South Africa to commence in good faith, urgently, broad-based substantive negotiations towards an agreement on the basic principles enunciated in the Declaration; on the modalities for the elaboration of a new constitution; on transitional arrangements inspiring general confidence in the administration of the country until the new constitution takes effect; and on the role that can be played by the international community in ensuring a successful transition to a democratic order;

(j) Call on the international community to give its full support to the vulnerable and critical process now under way in South Africa through a collective and phased application of appropriate pressure on the South African regime and through assistance to the opponents of apartheid and the disadvantaged sectors of society in order to ensure the rapid and peaceful attainment of the objectives of the Declaration;

(k) Call on the international community to resume academic, scientific and cultural links with democratic anti-apartheid organizations and individuals in these fields; to resume sports links with unified non-racial sporting organizations of South Africa and assist disadvantaged athletes in that country; and to remove restrictions on tourism and air and other transport links;

(l) Call on the international community to maintain remaining restrictive measures until transitional arrangements, inspiring general confidence in the administration of the country during an interim period, have been established and, at a later stage, agreement has been reached on a new, non-racial democratic constitution, unless specific recommendations are made on this matter by a transitional South African administration;

(m) Further call for the strict observance of the mandatory arms embargo, the full implementation of which should be monitored effectively by the Security Council; and for the maintenance of the restrictions on the export to apartheid South Africa of computers, communication equipment, and the provision of technology and military intelligence, which can be used for its military and nuclear industry, until free and fair elections have been held and a new democratic government has been established;

(n) Further call on the international community to increase its material, financial and other contributions to help address the glaring socio-economic inequalities, particularly in the areas of education, health, housing and social welfare. Such assistance should be provided only to organizations demonstrating a clear commitment to peace;

(o) Call on the international community to increase humanitarian and legal assistance to the victims of apartheid and violence, the returning refugees and exiles and released political prisoners;

(p) Authorize the Secretary-General to provide, through the relevant United Nations agencies and offices, and in a concerted manner, humanitarian assistance inside South Africa for the reintegration of political exiles and released political prisoners.

(q) Further authorize the Secretary-General, upon the establishment of transitional arrangements, to expand, in a concerted manner and through the relevant United Nations agencies and offices, the scope of assistance provided inside South Africa;

(r) Urge the international community to support the current efforts in Angola and Mozambique to achieve a durable peace in their countries, which would contribute to the stability and prosperity of the region;

(s) Appeal to all Governments and organizations to render all possible assistance to the frontline States, particularly Angola and Mozambique, to enable them to reconstruct their economies, which have been devastated as a result of years of destabilization;

(t) Request the Secretary-General to continue to ensure the coordination of activities of the United Nations system in the implementation of the Declaration and report to the General Assembly at its forty-seventh session, and further request him to continue monitoring the implementation of the Declaration as well as pursuing appropriate initiatives to facilitate all efforts leading to the peaceful eradication of apartheid;

(u) Authorize the Special Committee against Apartheid, in accordance with its mandate and acting as a focal point, with the support services of the Centre against Apartheid, (i) to continue monitoring closely the situation in South Africa and the actions of the international community, particularly regarding the need for maintaining pressure on South Africa as called for in the Declaration, and the need for assistance to the anti-apartheid

democratic forces; (ii) to continue mobilizing international action against apartheid, inter alia, through collection, analysis and dissemination of information; liaison and consultation with Governments, intergovernmental and non-governmental organizations and relevant individuals and groups inside and outside South Africa; as well as through hearings, conferences, missions and publicity; and (iii) to continue undertaking relevant activities, aimed at supporting the political process in South Africa;

(v) Appeal to all Governments, intergovernmental and non-governmental organizations, information media and individuals to cooperate with the Centre against Apartheid, and the Department of Public Information of the Secretariat, in their respective activities against apartheid, in particular in monitoring developments concerning international action against apartheid and in disseminating information on the situation in South Africa.